

HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-21.

Synopsis: Fee for public safety protection. Authorizes a municipal corporation providing public safety protection to property owned by the department of natural resources to charge the department public safety protection fees.

Effective: July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Appointments and Claims.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-21 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2004]:

4 **Chapter 21. Public Safety Protection Fees**

5 **Sec. 1. This chapter applies to a municipal corporation that**
6 **provides police, fire, or emergency medical services.**

7 **Sec. 2. As used in this chapter, "department" means the**
8 **department of natural resources.**

9 **Sec. 3. As used in this chapter, "providing public safety**
10 **protection" means the operation of any of the following by a**
11 **municipal corporation:**

12 (1) A police department.

13 (2) A fire department.

14 (3) An emergency medical service.

15 (4) An animal control department.

16 **Sec. 4. (a) The proper officers of a municipal corporation may**
17 **adopt an ordinance or a resolution to establish reasonable fees for**



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1 providing public safety protection to property owned by the
2 department that is located in the municipal corporation.

3 (b) Fees established under this chapter are annually payable by
4 the department for each parcel of real property owned by the
5 department that is located in the municipal corporation.

6 (c) A fee imposed under this chapter may consist of:

7 (1) a flat charge multiplied by the square footage of all
8 improvements located on each lot and parcel of real property;
9 and

10 (2) a flat charge multiplied by the acreage of each parcel of
11 unimproved real property.

12 Sec. 5. (a) After the introduction of an ordinance or a resolution
13 establishing fees under section 4 of this chapter, but before it is
14 finally adopted, the proper officers of the municipal corporation
15 shall hold a public hearing at which interested persons may testify
16 concerning the proposed fees.

17 (b) Notice of the hearing setting forth the proposed schedule of
18 fees shall be published in accordance with IC 5-3-1. The hearing
19 may be adjourned from time to time.

20 (c) After the hearing, the proper officers of the municipal
21 corporation may adopt the ordinance or resolution establishing the
22 fees, either as originally introduced or as modified.

23 (d) The fees established shall be extended to cover any
24 additional property purchased by the department that is
25 subsequently served by the municipal corporation, without any
26 hearing or notice.

27 (e) The proper officers of the municipal corporation may change
28 or readjust the fees in the same manner by which they were
29 established.

30 Sec. 6. A fee imposed under this chapter shall be paid annually
31 before December 15 by the treasurer of state on warrant of the
32 auditor of state after the municipal corporation submits an
33 itemized bill to the department.

34 Sec. 7. A fee paid under this chapter must be paid to the fiscal
35 officer of the municipal corporation and:

36 (1) must be deposited in the municipal corporation's general
37 fund;

38 (2) may not be used to reduce the municipal corporation's
39 maximum levy under IC 6-1.1-18.5, but may be used at the
40 discretion of the municipal corporation to reduce the property
41 tax levy of the municipal corporation for a particular year;

42 (3) may be used for any legal or corporate purpose of the unit,

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- 1 including the pledge of money to bonds, leases, or other
- 2 obligations under IC 5-1-14-4; and
- 3 (4) is considered miscellaneous revenue.

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